

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JAY PATTON, #136193,

*Plaintiff,*

v.

BRANDON FOSTER, et al.,

*Defendants.*

No.: 3:13-cv-148-TAV-CCS

**MEMORANDUM**

In this *pro se* prisoner's civil rights action, the plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute and to comply with the orders of this Court. The plaintiff has failed to respond to the Court's order within the time required. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. See Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE